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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,481	11/07/2001	Phat H. Tran	555255012300	3605
7590	06/26/2006			EXAMINER WONG, ALBERT KANG
John V. Biernacki, Esq. Jones, Day, Reavis & Pogue North Point 901 Lakeside Ave. Cleveland, OH 44114			ART UNIT 2612	PAPER NUMBER
			DATE MAILED: 06/26/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/007,481	TRAN, PHAT H.	
	Examiner	Art Unit	
	Albert K. Wong	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 November 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 November 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

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1. This Office action is in response to the application filed November 7, 2001. This application claims the benefit of provisional application 60/246,540, filed November 7, 2000.

Claims 1-26 are pending.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-17 and 21-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the preamble states a roller apparatus while the body of the claim recites a manipulatable mechanism. It is not clear if applicant intended to recite the broad or the narrower limitation.

Regarding claim 7, “the roller” lacks an antecedent basis. Should this claim depend from claim 2?

Regarding claim 12, “the mode message” lacks an antecedent basis.

Regarding claims 21 and 22, the steps in these claims bear no relation to previously recited steps (a) and (d).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hauck (5,179,648).

Regarding claim 1, the claimed manipulatable mechanism is shown as item 7A. The claimed urgency detector is shown as the microprocessor. An application program process the urgency message and causes the rate of display of data on the screen to change. Hauck does not teach the use of the roller mechanism in a handheld electronic device. However, col. 27 teaches that the device may be made portable. It would have been obvious that a portable device may be hand-held as suggested by Hauck.

Regarding claim 2, the mechanism in Hauck is a roller apparatus.

Regarding claim 3, see Figure 31.

Regarding claims 4-6, cols. 15-16 teaches two levels of urgency based upon the speed of rotation which is dependent on the timing of successive manipulations and a threshold. The second level indicates greater urgency than the first level.

Regarding claim 7, it is conventional to embed a roller within a device with a section protruding. For example, track balls and roller mechanisms on mice are structured in this way for ergonomic use. It would have been obvious to embed the roller for its well-known advantages.

Regarding claim 8, the system in Hauck is bi-directional and determines an urgency condition.

Regarding claims 9-10, the system in Hauck includes a memory for storing an urgency message which is provided to an application. This is considered a queue.

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Regarding claims 11-12, these claims recite a disable mechanism. It would have been obvious to include a disable switch to lock a user out of software features that are considered to complex for the average user or for a security measure. Such mechanisms are typical features on computer systems.

Regarding claim 13, the system in Hauck generates normal signals when a non-urgent condition is detected. The lack of an urgent message is considered a non-urgent message.

Regarding claim 14, the generation of an urgent message is performed whenever an urgent condition is detected. Thus, upon rapid deceleration a normal message is generated which is equivalent to a rapid deceleration message.

Regarding claim 18, this claim is the method equivalent of claim 12. Since the apparatus has been shown to be obvious, the method of using the apparatus in its intended manner would also be obvious.

Regarding claim 19, the system in Hauck detects both direction and rotation amount.

Regarding claim 20, the system in Hauck counts pulses from the rotary device to determine direction and accelerated condition. It would have been obvious to store the values in a register for processing by the processor since a register is typically used to store data for processing by a processor. The number of pulses is used to determine the amount of distance the displayed items is jumped on the screen.

6. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hauck as applied to claim 1 above, and further in view of Fascenda (6,304,746).

Regarding claim 15, Hauck does not teach the use of a roller mechanism in a pager. Fascenda shows a pager with a roller mechanism. It would have been obvious to combine the

teachings since one of ordinary skill in the art would recognize that a change in display speed would be helpful in any device that displays a large amount of scrolled data.

Regarding claim 16, it would have been obvious to use the mechanism on a variety of communication devices. Fascenda shows a pager which receives non-voice data messages, but pager-like devices, such as cell phones, may also receive voice messages.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The art cited by the Examiner is considered pertinent to the claims because they pertain to the same function of accelerated scrolling. A complete response to this Office action should include consideration of all applied references and arguments pertaining to all references where applicable.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert K. Wong whose telephone number is 571-272-3057. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Albert K. Wong

June 21, 2006



ALBERT K. WONG
PRIMARY EXAMINER